United Nations A/C.3/55/SR.40

General Assembly
Fifty-fifth session

Official Records

Distr.: General
22 November 2000

Original: English

Third Committee

Summary record of the 40th meeting
Held at Headquarters, New York, on Monday, 30 October 2000, at 10 a.m.

Chairperson: Ms. Gittens-Joseph ..... (Trinidad and Tobago)

Contents

Agenda item 114: Human rights questions (*continued*)

(b) Human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms (*continued*)

(c) Human rights situations and reports of special rapporteurs and representatives (*continued*)

(d) Comprehensive implementation of and follow-up to the Vienna Declaration and Programme of Action (*continued*)

(e) Report of the United Nations High Commissioner for Human Rights (*continued*)

This record is subject to correction. Corrections should be sent under the signature of a member of the delegation concerned *within one week of the date of publication* to the Chief of the Official Records Editing Section, room DC2-750, 2 United Nations Plaza, and incorporated in a copy of the record.

Corrections will be issued after the end of the session, in a separate corrigendum for each Committee.

00-71567 (E)

The meeting was called to order at 10.15 a.m.

Agenda item 114: Human rights questions (*continued*)

(b) Human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms (*continued*) (A/55/177, 213 and Add.1, A/55/214 and Add.1, A/55/275 and Add.1, A/55/279, 280 and Add.1 and 2, A/55/283, 288, 289, 291, 292, 296 and Add.1, A/55/302, 306, 328, 342, 360, A/55/395-S/2000/880, A/55/404-S/2000/889 and A/55/408; A/C.3/55/2)

(c) Human rights situations and reports of special rapporteurs and representatives (*continued*) (A/55/269, A/ 55/282 and Corr.1, 294, 318, 335, 346, 358, 359, 363, 374, 400, 403, 509 and A/55/426-S/2000/913)

(d) Comprehensive implementation of and follow-up to the Vienna Declaration and Programme of Action (*continued*) (A/55/36 and A/55/438-S/2000/93)

(e) Report of the United Nations High Commissioner for Human Rights (*continued*) (A/55/36)

1. **Mr. Kapanga** (Democratic Republic of the Congo), speaking under agenda item 114 (c), said that his Government's efforts to improve the situation in the territory under its control should be contrasted in all objectivity with the terror reigning in territories occupied by the Rwandan, Burundian and Ugandan armed coalition. Gross violations in those territories included massacres of civilians, torture and deportation. It was the opinion of his delegation that the Special Rapporteur on the situation of human rights in the Democratic Republic of the Congo concurred in his fourth preliminary report (A/55/403) with that view; the Committee's attention was drawn in particular to paragraph 113, which made clear which of the parties were responsible for the worst violations of human rights.

2. The Special Rapporteur had not minced his words in his oral presentation. He had described the war in terms of an international conflict, which was welcome evidence of an evolution in his appraisal of the situation. As was clear from the report, Rwanda and Uganda had "expanded their own conflicts into Congolese territory, causing death and destruction on neighbouring soil" (para. 109). It appeared also from paragraph 110 that the Special Rapporteur now recognized that a considerable part of the country was under foreign occupation.

3. Since the onset of the aggression against the country in 1998, human rights had been made a priority of government policy. The concerns raised by the Special Rapporteur in the report under examination had, for the most part, been addressed — whether wholly or partially — as had those expressed in earlier reports. Responding to some of the recommendations addressed to the Government in paragraph 127, he said that it had taken steps towards the gradual abolition of the death penalty by developing alternative methods for dealing with criminals and by maintaining a moratorium on executions since February 1999. His delegation wished to renew its urgent appeal to the United Nations for assistance in furthering the abolition process.

4. The question of the abolition of the Military Court had been raised at a seminar convened in Kinshasa in August 1999 with the support of the Office of the High Commissioner for Human Rights. In that regard, he emphasized that genuine, non-discriminatory support from the United Nations was required in order to further the reform of the judiciary already under way, bring an end to the conflict and build a truly democratic State based on the rule of law.

5. As for the Special Rapporteur's recommendation to his Government to free all political prisoners, an amnesty had been declared on 19 February 2000, by which some 300 civilian and military prisoners and 800 soldiers had been released (para. 59).

6. It was true that in the east of the country and in territory under Ugandan occupation, children as young as 10 years were regularly recruited to serve in the armed forces. In Government-controlled territory, however, the situation of child soldiers had received particular attention, and measures had been implemented with a view to prohibiting the practice and demobilizing the children. The Government recognized that children belonged with their families and at school — not in the army. In December 1999, a conference had been convened on the demobilization and rehabilitation of child soldiers.

7. It was surprising that the Special Rapporteur had recommended that the Government should implement a human rights action plan (para. 127), given that such a plan had been in existence since December 1999. Indeed, the Democratic Republic of the Congo was the third African country to possess such a plan, and the Government was currently doing its utmost to implement it. A further recommendation had been that the Government should ensure that international human rights instruments were given precedence over national law; such was in fact already the case.

8. With a view to the speedy implementation of the 1999 Lusaka Ceasefire Agreement, his Government had requested that it should be adjusted in order to reflect recent developments such as the April 2000 Kampala disengagement plan, Security Council resolution 1304 (2000), and the fact that certain former rebels had withdrawn from the rebellion and no longer wished to be signatories.

9. The Government remained open to all initiatives for effecting a rapid cessation of the conflict — whether by means of a ceasefire or by direct negotiations with aggressor countries. The priority was to coordinate efforts for a return to peace both in the country and in the entire Great Lakes region.

10. As for the violations of human rights and international humanitarian law imputed to his Government, he wished to point out that his Government had signed the Rome Statute of the International Criminal Court and the Optional Protocol to the Convention on the Rights of the Child on involvement of children in armed conflict, thus reaffirming its commitment to the principles of liberty, democracy, human rights and fundamental freedoms.

11. Unlike the Rwandan and Ugandan aggressors, who targeted civilians in times of armed conflict, his Government held the rule of international humanitarian law to be sacrosanct. The Special Rapporteur had demonstrated his objectivity in paragraph 109 of his report by indicating that it was the armies of Rwanda, Uganda, Burundi and Rassemblement congolais pour la démocratie which were "causing the greatest damage" and which had "once again committed terrible massacres of the civilian population".

12. His delegation wished to reiterate its recommendation — thus far unheeded — that an international commission of inquiry should be sent to report on the gross violations of human rights in the occupied areas.

13. **Mr. Paran** (Israel), speaking under agenda item 114 (b), said that freedom of religion and belief were essential to the development of both individual and State identity. Governments must ensure the realization of that fundamental — albeit controversial — right. At the same time, however, they must combat all incitement to violence. Every democratic regime struggled with that task, which was also of great concern to the international community. In the era of globalization, free flows of information on the media and the Internet allowed for widespread dissemination of hate speech and racist propaganda. Such issues stirred heated debate in Israel and highlighted the importance of striking a balance between free speech, the maintenance of public order and the prevention of incitement.

14. In a multicultural and democratic society such as Israel, the highest priority was accorded to freedom of expression. At the same time, both penal law and jurisprudence had long prohibited incitement to racism and violence. Moreover, penalties for offences committed with racist intent had been stiffened. Racist parties were barred from all elections — a policy that had been upheld by the Supreme Court.

15. Even the most ardent supporters of free expression in Israel recognized that it could not constitute an absolute right. Rather, it was subject to limitations arising from other legitimate rights and interests, such as State security or an individual's reputation. Furthermore, absolute freedom of expression could adversely affect the delicate web of relations between Arabs and Jews. The terrible history of the Jewish people had demonstrated that extreme racist expression almost inevitably led to racist deeds and that the struggle against racism must begin with a complete uprooting of expressions of racist incitement. The assassination of the late Prime Minister Yitzhak Rabin had represented a turning point in the attitude of Israeli society towards incitement, leading to a strengthening of law-enforcement and monitoring mechanisms.

16. Manifestations of racism, anti-Semitism and hate speech continued to pervade the world, the Middle East included. In some parts of Europe, the phenomenon had reached worrisome levels. Freedom of expression was a double-edged sword. It could be used either to

fan the flames of hatred between peoples and neighbours, or as a bridge to enhance respect and tolerance. However, it was only if freedom of expression was used to stimulate genuine public discourse that it would fulfil its potential to further the cause of peace and cooperation among nations.

17. **Mr. Ogurtsov** (Belarus) said that his Government played an active role in furthering international cooperation in the field of human rights. His Government's position remained unchanged: human rights were indivisible and interdependent, and their protection was a vitally important function of States. Democracy was one of the fundamental conditions for the full achievement of human rights, and its development depended on a number of economic and social factors, not least a change in traditional mindsets. However, artificial acceleration of the process of democratization carried the potential of disappointment and social conflict, which was why his Government was committed to a gradual but forward-moving approach. The State had thus far avoided social, ethnic and religious conflict and had preserved peace and civic harmony.

18. Belarus was building an open society and cooperated willingly with United Nations human rights mechanisms; it was a party to all the basic international human rights treaties and attached great importance to the fulfilment of its obligations. At the same time, the collective responsibility of the world community to ensure the observance of human rights could not permit any double standards. The use of human rights issues as a means of promoting political interests ran counter to the spirit and letter of the International Bill of Human Rights.

19. Universal respect for human rights required the collective efforts of the entire international community on the basis of international solidarity, cooperation and partnership. The goal should be to identify and eliminate the root causes of human rights violations.

20. His Government resolutely opposed all gross violations of human rights wherever they occurred. International efforts to counter such violations could take any form, provided they were approved by the Security Council. The international community must work together to promote the concept of peace based on human rights. Economic and social progress — which must be pursued exclusively in the interests of all human rights, including the right to development — depended on equitable access to scientific and technological progress. Only a constructive and balanced approach based on open dialogue and close cooperation could lead to an improvement; that approach should underlie the work of the United Nations and of its human rights mechanisms.

21. **Mr. Reyes Rodriguez** (Cuba) said that the current unipolar world order and globalization were increasing inequality and exclusion, because relatively few people benefited from the increased prosperity. In order to realize the enormous potential of globalization to benefit humanity, a more equitable world order was needed, based on justice and on collaboration which actively involved the so-called "third world" countries in the management of international political and economic processes and took an integrated approach to development.

22. The promotion and protection of all human rights had been reaffirmed as a priority activity of the United Nations at the 1993 Vienna Conference. In that context, international cooperation should be based on dialogue guided by objectivity, impartiality and non-selectivity, so as to achieve the universality of human rights in harmony with the diverse cultures and political, economic and social systems. Democracy and universality could only be constructed on the basis of a genuine respect for the right of countries to determine their own political, economic and social organization.

23. There was no contradiction between respect for national sovereignty and international cooperation for the promotion and protection of human rights. Unilateral intervention by a State or group of States against another State, particularly if it involved the use of armed force, was not a legitimate recourse for protecting human rights. The international community should not remain inactive in the face of flagrant human rights violations; but the framework for action established by the Charter of the United Nations should be respected, and the underlying causes of the problem, such as injustice, poverty and underdevelopment, needed to be resolved.

24. **Mrs. Nguyen Thi Thanh Ha** (Viet Nam) welcomed the reports of the special rapporteurs and stressed the importance of a direct dialogue with them; they should therefore make every effort to arrange their schedule so as to present their reports in person.

25. The adoption of a set of core international legal instruments on human rights had laid the foundation

for the exercise of fundamental rights and freedoms; it was now important to ensure their universal ratification and implementation. A consensus had been reached on ensuring universality, objectivity and non-selectivity in the consideration of human rights issues. However, that required a profound understanding of the specific background to the exercise of human rights in each national context, full respect for the principles of international law, and enhanced international cooperation to promote the human rights of all people.

26. Human rights were inseparable from peace, democracy and development and each of those issues merited equal emphasis. States needed to formulate appropriate national development policies and the international community should facilitate the process through international cooperation. Viet Nam strongly opposed conditionality in development assistance.

27. Viet Nam had become party to most of the core international human rights treaties and had implemented its obligations under them through legislative, administrative, juridical and educational measures. The Government fully acknowledged that there were shortcomings in the promotion and protection of human rights in some parts of the country, owing to lack of awareness or implementing capacity. However, it was seeking appropriate and effective measures to meet the challenges and trusted that it would continue to receive international support for such efforts.

28. **Mr. Ghosheh** (Jordan) said that, under Jordan's Constitution and laws, all citizens were deemed to be equal in terms of their rights and duties, regardless of religion, race, origin or gender. Moreover, religious communities were free to establish their own schools, assemblies and religious courts.

29. Jordan had acceded to many international instruments relating to human rights, and was working to strengthen those rights. A royal commission on human rights, headed by Her Majesty Queen Rania, had recently been established, while a national committee on the teaching of human rights had been founded to develop a national plan of action, based on international criteria, for that purpose. There was a special government department to hear human rights complaints from citizens and take appropriate remedial action, and there was a Parliamentary committee whose exclusive concern was the freedoms enjoyed by citizens.

30. With respect to the alleged case of religious intolerance referred to in paragraph 37 of the report by the Special Rapporteur on religious intolerance (A/55/280), he noted that the right to litigate was guaranteed under Jordanian law, and that the judiciary was independent.

31. The death penalty was subject to restrictions: no pregnant or nursing woman could be executed, nor could any juvenile, regardless of his or her crime. No citizen could be imprisoned without cause.

32. Jordan had recently joined with several other Middle Eastern countries in establishing a regional human-security centre. It was intended as a nucleus for regional cooperation in the area of human security.

33. **Mr. Mohammad Kamal** (Malaysia), speaking under subitems 114 (b) and (e), said that human rights must be seen holistically and in the context of the interdependence and indivisibility of political, civil, economic, social and cultural rights.

34. The report of the United Nations High Commissioner for Human Rights (A/55/36, chap. III) had emphasized the importance of preventive strategies, and his delegation believed that such strategies should encompass a complex matrix of political, social, economic and international factors. Accordingly, it was concerned that the preventive measures outlined, particularly in paragraphs 19 and 20, were not as comprehensive and coherent as they should be. Moreover, the report did not specify how the measures would be applied within the framework of national sovereignty and in view of the increasingly prevalent phenomenon of "donor fatigue". A related point was the growing trend of developed countries to seek unilateral rather than multilateral solutions, thus bypassing the United Nations and undermining international law. The report should also have addressed the need to ensure coherence and coordination, not only among the various United Nations agencies but also with the non-governmental organizations, which were playing an increasing role in such situations.

35. Malaysia agreed with the general thrust of the latest reports of the United Nations Development Programme and the World Bank, which recognized the link between human rights and development. More work was needed on approaches and measures to implement that principle as well as on the effects of international phenomena, such as financial speculation,

on the full enjoyment of human rights. Since the basic premise of human rights was entitlement, their promotion and protection should be looked at in a more holistic and pragmatic way, rather than from a purely political or legal standpoint. Human rights should be considered as the provision of national and global public goods by those who had a duty to provide them.

36. The route to the full enjoyment of human rights lay essentially in national capacity-building through international cooperation and technical assistance. The establishment of democratic structures and institutions was of primary importance. Accordingly, Malaysia had established an independent national commission on human rights to investigate and remedy violations. Representatives of the commission had recently met with the United Nations High Commissioner for Human Rights and her staff to discuss possible assistance in the field of human rights education.

37. Within the Asia-Pacific regional cooperation framework, Malaysia would host a regional workshop in December 2000 on the impact of globalization on the full enjoyment of economic, social and cultural rights and the right to development, with the collaboration of the Office of the High Commissioner for Human Rights.

38. The Special Rapporteur on extrajudicial, summary or arbitrary executions had singled out Malaysia in her report (A/55/288, para. 36) as one of the countries that maintained capital punishment. His delegation wished to reiterate its position that the death penalty was a criminal justice issue and not a human rights issue. Malaysia strongly believed that it was within its sovereign right to choose its own legal system and to maintain the rule of law based on laws enacted by its democratically elected Parliament.

39. Special Rapporteurs should have clear, well-defined mandates that did not overlap and should carry them out objectively in order to maintain their credibility and the confidence of Member States in the work of the United Nations.

40. **Mr. Howell** (International Labour Organization (ILO)), speaking under item 114 (b), said that migration affected almost every country in some way. As economic, political and social factors continued to accelerate the trend worldwide, further measures were essential in order to manage and guide its inevitable growth. In many developing countries, the short- to medium-term effects of trade liberalization were not faster growth, but rather dislocation of traditional industries and growing unemployment.

41. ILO was greatly concerned with protecting the rights of migrant workers. With increasing restrictions on immigration, trafficking in migrants had escalated, often with tragic consequences. Those who managed to enter new countries and work without authorization frequently became victims of abuse and exploitation. When caught, workers and their families were often subject to inhumane treatment and abuse of their most basic human rights by the authorities.

42. Even permanently settled immigrant workers commonly faced discrimination and xenophobia despite their contributions to the economy. ILO was documenting the dimensions of the problem and trying to devise solutions together with Governments, employers and workers. The findings, lessons and resulting new approaches would feed into the preparatory process for the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance to be held in September 2001.

43. ILO was also concerned about the multiple risks faced by migrant women, especially domestic workers. Urgent attention was needed to secure their basic legal and social protection.

44. The protection of the rights of migrant workers and their families had been fundamental to ILO since its establishment in 1919. It urged States to ratify the relevant ILO conventions and was providing technical advisory services to help implement the underlying principles.

45. The ILO appreciated the opportunity to contribute to the work of the Special Rapporteur on the human rights of migrants. It was consolidating and expanding its worldwide efforts to prevent and combat trafficking in migrants. It also sought to support migrant workers as part of the ILO commitment to promote the concept of "decent work" worldwide through job creation, securing fundamental rights at work, enhancing social protection and promoting social dialogue. The contribution of migrant workers to the economic, social and cultural advancement of host countries should be recognized, together with their contribution to their countries of origin, in the form of the remittance of earnings while abroad and investments and enhanced skills on their return.

The meeting rose at 11.25 a.m.